

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

THE GIVING BACK FUND, INC.

Plaintiff

v.

MARK STEVERSON, RUDOLPH & BEER,
LLP., LAURENCE H. RUDOLPH and
CORINA BIGGAR

Defendants

CIVIL ACTION NO. 02-CV-104446 RWZ

**DEFENDANTS, MARK STEVERSON, RUDOLPH & BEER, LLP, LAURENCE H.
RUDOLPH AND CORINA BIGGAR'S, OPPOSITION TO PLAINTIFF'S MOTION TO
STRIKE DEFENDANTS' AFFIDAVITS**

Pursuant to the applicable Federal Rules of Civil Procedure, Rule 7.1(B)(2) of the Local Rules of the United States District Court for the District of Massachusetts and the Court's inherent power to regulate matters before it, the Defendants Mark Steverson, Rudolph & Beer, LLP, Laurence H. Rudolph and Corina Biggar, by their attorneys, Peabody & Arnold LLP, hereby oppose Plaintiff's motion to strike the affidavits of Mark Steverson and Laurence H. Rudolf.

As grounds for this opposition, the Defendants state that the Plaintiff motion is based on a mere typographical error in the Rudolf and Steverson declarations. That error has been corrected and revised declarations are presented herewith. Plaintiff's counsel refused to assent to the replacement declarations and Defendants here seek leave to submit the corrected documents.

Allowance of this motion is essential to the interest of justice.

WHEREFORE, the Defendants Mark Steverson, Rudolph & Beer, LLP, Laurence H. Rudolph and Corina Biggar respectfully request that the Court deny Plaintiff's Motion to Strike and permit the substitution of the corrected declarations submitted herewith.

DOCKETED

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Respectfully submitted:

MARK STEVERSON. RUDOLPH & BEER, LLP,
LAURENCE H. RUDOLPH and
CORINA BIGGAR,

By their Attorneys,



Michael P. Duffy, BBO #137329

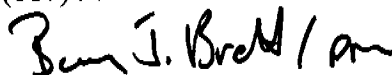
Paul T. Muniz, BBO #564786

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Barry J. Brett, *Pro Hac Vice*

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Dated: May 17, 2002

CERTIFICATE OF SERVICE

I hereby certify that I mailed a true and accurate copy of the within to David S. Rosenthal, Hutchins, Wheeler & Dittmar, 101 Federal Street, Boston, Massachusetts 02110, attorney of record for the plaintiff.

Dated: May 17, 2002



Paul T. Muniz

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